

Carnegie Endowment
Face-to-Face Program
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- Single most influential activity on IC in next 6 months: Charters
 - ° Working on drafts now
 - Senate tabled draft
 - Admin nearly completed draft
 - Good communications between Senate and Admin as work progressing
 - Doesn't mean agree on all issues
 - Means working positively to work out differences
 - ° Major issue: How much control? How applied
 - One hand, can underreact and assume that abuses of past will not recur because more conscious -- we are.
 - On other, can overreact and emasculate the IC.
 - Both shortsighted
 - Important to achieve balance
 - ° Major problems:
 - 1) Cannot simply make definitive list of prohibitions
 - Negative approach
 - Dangerous --interpretation of law out of control; must be extremely confident
 - May foreclose many activities completely that want to do partially
 - Besides can't anticipate every conceivable activity might want to prohibit

2) Whatever you do prohibit you must be able to check on/
monitor

- Secrecy is sine qua non of intelligence
- Some secrecy legitimate
- Secrecy though has seeds of danger for very freedom
we are protecting.

Any kind of power may be abused, but with power
that is unidentified, the potential for abuse
is even greater.

-- How then to provide for good intelligence,
yet prevent abuse?

-- How to ensure accountability?

Probably the best way--and perhaps the only practical way-- is

- to establish some few outright prohibitions where they can
be defined explicitly (i.e., assassination) and then lay
down a set of fairly broad guidelines which reflect the
values of American society and the boundaries within which
the Intelligence Community is expected to work.
- to establish a means of ensuring accountability by effectively
monitoring IC activity--taking into consideration that much
of what you will want to monitor will be classified.

The scope and detail of the guidelines is now being debated; but the
means of ensuring accountability exists today. We have accountability
in Executive Branch, the Congress and even in the public.

- Want to look briefly at those bodies to which IC is now
accountable and determine to what extent they can exact

effective accountability without emasculating our intelligence capabilities.

First, the public, including the press

- In the past, public oversight was impossible because no access
- No longer true. Revelations, public inquiries, FOIA, have all made the IC much more accessible to the general public
- In addition, last 2 years adopted a policy of openness
 - More forthright with the media
 - I am here tonight --inconceivable just 5 years ago
 - Major effort to share analysis (benefit to us - reduce corpus - secrets easier to keep)
- The free press is, of course, major asset to public in their oversight of IC. Done marvelous job in many instances --Woodward/Bernstein
 - Here though there are serious contradictions and potential problems for long term. Must remember
 - ° What the public knows, the enemy knows
 - ° Unlike a court, the press can find you or me guilty through accusation alone. The power to accuse in public press or on the air is a profound power which is just as susceptible to abuse as any other power.

- ° Particularly problem with IC. This difference of press is at disadvantage if not having full access to IC data, e.g., while the press and IC have same problem with sources, i.e., out of business unless can protect confidential sources, sometimes the media does not recognize the right of privacy or confidentiality of anyone but themselves.

2 stories in Washington Post.

Second accountable body - Executive Branch - number accountable processes here --let me focus on President.

- President --no longer "plausible deniability"
 - Signs all covert action plans
 - Knows all sensitive programs --gives me time each week keep posted.
 - Supports full cooperation with Congress and their access to the information they need to exercise oversight (about which I'll speak in a moment). This attitude by the President is vital to real accountability.
- IOB.

Third accountable body - Congress

- Skeptics may have no greater degree of confidence in record of Congress in oversight than in Presidents, but Congress is the only elected body totally independent

of the Executive Branch. Consequently, assured
2 independent branches of government have access to
what the IC is doing.

- 2 new committees of Congress with clear jurisdictional
lines to the IC.
- In the past, intell info given a few key and sympathetic
committee members who in turn shielded the IC from the
rest of Congress.

Conclusion --if going to be free

Must have intell.

If have intell, must ensure against abuse of secrecy.

Way to do

- Have accountability but must balance with effective intell

For instance, if in addition to accountability, you
expect to tie us into straight jacket of laws and
regulations that adjudicate every detail of our
operations--surely this will bring intelligence to
a halt in this country. For example--

CIA regulation on media - accredited

-- Rule

-- Escape clause

Some people object - no rule at all

-- Why need escape clause?

2 examples

1. Fired translators
2. Terrorist action

-- But to cover loop holes and escape clauses, we do have the oversight processes I've described. I must account to Pres/IOB/Congress for the exceptions I make. I do not know when or where they are likely to interrogate me.

- Have achieved balance? Don't know --too early tell
- If works - revolution - never before in history has intell been conducted with degree accountability I have described.
- Believe on right track.
- Believe can work in our country - but will require some understanding and forbearance -

Much of world is gray - attempts to paint it black or white will end in catastrophe

It's not perfect world

It's not open world

We must balance idealism - realism in our international affairs

-- Check of accountability to ensure not overdo realism

-- Check of reasonably flexible guidelines for account to not overdo idealism

Only then can we have freedom.